

## **REMARKS / ARGUMENTS**

### **I. General Remarks and Disposition of the Claims**

Please consider the application in view of the following remarks. Applicants thank the Examiner for his careful consideration of this application.

At the time of the Office Action, claims 1-3, 5-7, and 34-45 were pending in this application. Claims 40-45 were rejected in the Office Action. Claims 1-3, 5-7, and 34-39 were allowed in the Office Action. By this paper, claim 40 has been amended and claims 46 and 47 are new. These amendments are supported by the specification as filed. All the amendments are made in a good faith effort to advance the prosecution on the merits of this case. It should not be assumed that the amendments made herein were made for reasons related to patentability. Applicants respectfully request that the above amendments be entered and further request reconsideration in light of the amendments and remarks contained herein.

### **II. Remarks Regarding Allowable Subject Matter**

In the Office Action the Examiner noted that "Claims 1-7 and 34-39 are allowed." (See Office Action at 4.) Applicants thank the Examiner for his indication that these claims are allowable.

### **III. Remarks Regarding Rejections Under 35 U.S.C. § 102**

#### **A. Claims 40-42**

Claims 40-42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,520,609 issued to Morgan (hereinafter "*Morgan*"). With respect to this rejection, the Office Action states:

Applicants claim a method of crosslinking a polysaccharide comprising the steps of: (a) providing a metal coordinating group having a reactive site, (b) derivatizing a polysaccharide with the metal coordinating group to produce a derivatized polysaccharide having bidentate ligands that comprise at least one bidentate ligand selected from the group consisting of: ethylenediamine: dithiocarbamate; 2,2'-bipyridine; 1,10-phenanthroline; or 8-hydroxyquinolinato; and any combination thereof, and (c) crosslinking the derivatized polysaccharide having bidentate ligands with a metal ion to form a metal ligand coordination complex.

The Morgan patent discloses a process wherein a hydroxyethylcellulose acetate chloroacetate is crosslinked using a crosslinking agent that may be selected as sodium

diethyldithiocarbamate or zinc dibutyldithiocarbamate (see example 1 and sections (a) and (b) of the Table in Example 1 of the Morgan patent), which anticipate the instant claims when the polysaccharide of the instant claims is a hydroxyethylcellulose, when the metal coordinating group of the instant claims is a dithiocarbamate, and when the metal ion of the instant claims is sodium or zinc in the Morgan patent. See column 5, line 17 of the Morgan patent wherein the phrase “copper ditolydithiocarbamate” is disclosed as an example of a dithiocarbamate derivative, wherein the term “copper” anticipates the recitation of “copper” in instant Claim 42 and the term “ditolydithiocarbamate” anticipates the “dithiocarbamate” recited in instant Claim 40.

(Office Action at 3.) Applicants respectfully disagree. Applicants respectfully submit that the cited reference does not disclose each and every limitation of claims 40-42, as amended, as required to anticipate these claims under 35 U.S.C. § 102(b). *See MPEP § 2131.*

In particular, with respect to independent claim 40, *Morgan* fails to disclose “derivatizing a polysaccharide with the metal coordinating group to produce a derivatized polysaccharide having bidentate ligands that comprise at least one bidentate ligand selected from the group consisting of: 2,2'-bipyridine; 1,10-phenanthroline; 8-hydroxyquinolinato; and any combination thereof.” Rather, the crosslinking agents of *Morgan* do not comprise 2,2'-bipyridine, 1,10-phenanthroline, or 8-hydroxyquinolinato. *See Morgan*, entire disclosure. As such, the cited reference does not anticipate this claim.

Therefore, Applicants respectfully assert that independent claim 40 and its dependent claims are not anticipated by *Morgan*. Accordingly, Applicants respectfully request withdrawal of this rejection with respect to claims 40-42.

#### **B. Claims 40 and 42-45**

Claims 40 and 42-45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,649,591 issued to Lai (hereinafter “*Lai*”). With respect to this rejection, the Office Action states:

Applicants claim a method of crosslinking a polysaccharide comprising the steps of: (a) providing a metal coordinating group having a reactive site, (b) derivatizing a polysaccharide with the metal coordinating group to produce a derivatized polysaccharide having bidentate ligands that comprise at least one bidentate ligand selected from the group consisting of: ethylenediamine; dithiocarbamate; 2,2'-bipyridine; 1,10-phenanthroline; or 8-hydroxyquinolinato; and any combination thereof, and (c)

crosslinking the derivatized polysaccharide having bidentate ligands with a metal ion to form a metal ligand coordination complex.

The Lai patent discloses a polydithiocarbamate-macromolecule-containing compositions which is prepared using a method that comprises contacting a dithiocarbamate with a macromolecule in the presence of a crosslinking agent under crosslinking conditions selected to preserve the dithiocarbamate linkage, wherein the composition is capable of forming a complex with iron (see the abstract and column 6, 1st paragraph of the Lai patent). See column 9, line 6 of the Lai patent wherein the macromolecule may be selected as a polysaccharide. This description of the Lai patent anticipates instant Claims 40, 42, 43 and 45 of the instant application. The subject matter of instant Claim 44 with recites “step (c) occurring within a wellbore in a subterranean formation” is noted, but is not viewed as being distinct from the occurrence of the cross-linking procedure described in the Lai patent since the method, *per se*, is described in the Lai patent. Location of a cross-linking step does not appear to be distinct from the crosslinking step, *per se*, since the claims are drawn to a method.

(Office Action at 3-4.) Applicants respectfully disagree. Applicants respectfully submit that the cited reference does not disclose each and every limitation of claims 40 and 42-45, as amended, as required to anticipate these claims under 35 U.S.C. § 102(e). *See* MPEP § 2131.

In particular, with respect to independent claim 40, *Lai* fails to disclose “derivatizing a polysaccharide with the metal coordinating group to produce a derivatized polysaccharide having bidentate ligands that comprise at least one bidentate ligand selected from the group consisting of: 2,2'-bipyridine; 1,10-phenanthroline; 8-hydroxyquinolinato; and any combination thereof.” Rather, the compounds of *Lai* do not comprise 2,2'-bipyridine, 1,10-phenanthroline, or 8-hydroxyquinolinato. *See Lai*, entire disclosure. As such, the cited reference does not anticipate this claim.

Therefore, Applicants respectfully assert that independent claim 40 and its dependent claims are not anticipated by *Lai*. Accordingly, Applicants respectfully request withdrawal of this rejection with respect to claims 40 and 42-45.

#### IV. Remarks Regarding New Claims

In this response Applicants have added claims 46 and 47. Claims 46 and 47 depend indirectly from independent claim 40 and thus require all the limitations of that

independent claim. Therefore, for at least the reasons discussed above with respect to independent claim 40, Applicants respectfully submit that claims 46 and 47 are allowable over the cited art.

**V. No Waiver**

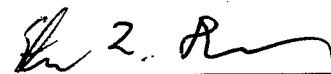
All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art.

**SUMMARY**

In light of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no fees are due in association with the filing of this response. Should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to Baker Botts, L.L.P.'s Deposit Account No. 02-0383, Order Number 063718.0175.

Respectfully submitted,



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